

**AMENDMENT**

Please amend the claims as follows:

- 1) (Currently amended) A promoter comprising a polynucleotide sequence selected from the group of polynucleotide sequences consisting of:
  - a) a polynucleotide sequence comprising the sequence of SEQ ID NO: 4~~from the group of polynucleotide sequences consisting essentially of SEQ ID NO: 1 and SEQ ID NO: 4;~~
  - b) a polynucleotide sequence comprising a fragment of the sequence of SEQ ID NO: 4~~substantially homologous to SEQ ID NO: 2 or any fragments or regions thereof;~~
  - c) a polynucleotide sequence which exhibits a percentage identity of between about 70% identity and 79% identity with the sequence of a) or b)~~a polynucleotide sequence SEQ ID NO: 2 or any fragments or regions thereof;~~
  - d) a polynucleotide sequence which exhibits a percentage identity of between about 80% identity and 89% identity with the sequence of a) or b)~~a polynucleotide sequence SEQ ID NO: 2 or any fragments or regions thereof;~~
  - e) a polynucleotide sequence which exhibits a percentage identity of between about 90% identity and 99% identity with the sequence of a) or b)~~a polynucleotide sequence SEQ ID NO: 2 or any fragments or regions thereof;~~
  - f) ~~a polynucleotide sequence comprising of SEQ ID NO: 3;~~
  - g) ~~a polynucleotide sequence which exhibits a percentage identity of between about 70% identity and 79% identity with a polynucleotide sequence SEQ ID NO: 3;~~
  - h) ~~a polynucleotide sequence which exhibits a percentage identity of between about 80% identity and 89% identity with a polynucleotide sequence SEQ ID NO: 3; and~~
  - i) ~~a polynucleotide sequence which exhibits a percentage identity of between about 90% identity and 99% identity with a polynucleotide sequence SEQ ID NO: 3.~~
- 2) (Original) A construct comprising the promoter of claim 1, wherein said promoter is operably linked to a transcribable polynucleotide molecule operably linked to a 3' transcription termination polynucleotide molecule.
- 3) (Original) The construct of claim 2, wherein said transcribable polynucleotide molecule is a gene of agronomic interest.

- 4) (Original) The construct of claim 2, wherein said transcribable polynucleotide molecule is a marker gene.
- 5) (Original) A transgenic, seed-producing dicotyledonous plant stably transformed with a construct comprising the promoter of claim 1, wherein said promoter is operably linked to a transcribable polynucleotide molecule operably linked to a 3' transcription termination polynucleotide molecule.
- 6) (Original) The transgenic dicotyledonous plant of claim 5, wherein said plant is a dicotyledonous plant selected from the group consisting of tobacco, tomato, potato, peanut, soybean, cotton, canola, rapeseed, safflower, flax, sugarbeet, *Arabidopsis*, Brassica, sunflower, and alfalfa.
- 7) (Original) The transgenic dicotyledonous plant of claim 5, wherein said transcribable polynucleotide molecule confers altered oil content in the seed to said transgenic plant.
- 8) (Original) The transgenic dicotyledonous plant of claim 5, wherein said transcribable polynucleotide molecule confers altered protein quality in the seed to said transgenic plant.
- 9) (Original) The transgenic dicotyledonous plant of claim 5, wherein said transcribable polynucleotide molecule confers altered micronutrient content in the seed to said transgenic plant.
- 10) (Original) A seed of said transgenic plant of claim 5.
- 11) (Original) Oil from said transgenic plant of claim 5.
- 12) (Original) Meal from said transgenic plant of claim 5.
- 13) (Original) A method of making a vegetable oil and meal, comprising the steps of: a) incorporating in the genome of a dicotyledonous seed producing, oil-containing plant a promoter according to claim 1 operably linked to a transcribable polynucleotide molecule conferring altered oil content; b) growing the dicotyledonous plant to produce seeds; and c) extracting oil from the seed to produce extracted oil and meal.

**COMMENTS**

Claim 1 has been amended pursuant to the election made in response to the Restriction Requirement as set forth below. The claims have also been amended to place them in better condition for examination. Support for the amendment is found in the claims as filed and at page 6, lines 25-31. The amendment does not narrow the scope of the claims and Applicants do not disclaim any subject matter through the amendment. Applicants reserve the right to prosecute any non-elected subject matter in one or more continuing application(s).

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the restriction requirement among Groups I-II, Applicants elect, without traverse, to prosecute claims 1-10 and 12-13, i.e., the Group I claims. In response to the restriction among different SEQ ID NOs, Applicants elect, without traverse, SEQ ID NO:4.

The Examiner is invited to contact the undersigned attorney at (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-3085

Date: October 24, 2005